

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:14-CV-41-FL-7

UNITED STATES OF AMERICA,

v.

DAVID MCLAUGHLIN,

Defendant.

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ORDER

This matter, wherein defendant and others face drug conspiracy counts related to importation of cocaine and distribution of same, comes now before the court upon several pre-trial motions, including motions for: early disclosure of materials (DE 199); sequestration of government witnesses (DE 200); and leave to file a motion to suppress later in the case (DE 201).

As to the motion for leave to file a motion to suppress later, where the government consents to the relief requested, for reasons presented, this motion (DE 201), without more, is ALLOWED.

The motion for sequestration of witnesses obviously rests on Rule 615 of the Federal Rules of Evidence. Rule 615 provides for the exclusion of witnesses as a matter of right. Once a request is made, the court “shall” sequester the witnesses, as provided by Rule 615. Defendant acknowledges that it is well-settled that the government may exempt its investigating case agent from sequestration, pursuant to Rule 615(2). It is only to the extent the government may decide, later, that another agent is necessary also, that the government objects to the motion, which also requests that the court direct the prosecutor and government case agent not to reveal anything about the trial testimony of government witnesses to other persons that the government will call as witnesses at

trial. Good cause having been shown, defendant's motion to sequester government witnesses (DE 200) is ALLOWED. Should the government seek later to utilize more than one case agent and wish the other(s) to attend all parts of the trial, it may renew the issue upon separate motion. And, as the government also requests, so, too, shall defendant's witness(es) be subject to this order of sequestration.

As to remaining motion for early disclosure of materials, directing the production of favorable and impeaching evidence (DE 199), the government takes a more strident stance, with reference to broad discovery already produced. Upon its response, the court sees no cause separately to allow this motion and absent some renewed showing, the motion (DE 199) is DENIED.

SO ORDERED, this the 18th day of August, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is fluid and cursive, with the first name "Louise" being the most prominent.

LOUISE W. FLANAGAN
United States District Judge